

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

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**CRM-M No.30493 of 2018.
Date of Decision: 07.02.2019.**

Bodh Raj

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code has been filed for grant of regular bail to the petitioner in case F.I.R. No.16 dated 07.02.2017 under Sections 377, 384, 182 of the Indian Penal Code and Sections 5L and 5M of Protection of Children from Sexual Offence Act, 2012, registered at Police Station Division No.2, District Pathankot.

Learned counsel representing the petitioner contended that the petitioner is in custody since 28.03.2018 and trial of the case still to take some more time, no useful purpose would be served by detaining the petitioner behind the bar, so he be released on bail.

Learned State counsel placed on file copy of copy of statement of victim in this case who has not supported the prosecution case at all and failed to identify the accused and specifically deposed that the accused present in the Court is not the same person who was involved in the offence.

Having considered all these aspects and without commenting anything on the merits of the case, at this stage, which may not cause prejudice to any of the party, and the fact that the petitioner is in custody since 28.03.2018, trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. Petitioner-Bodh Raj is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

07.02.2019

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No